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## **Future of Florida's Families Committee**

**Wednesday, February 22, 2006**

**10:30 AM – 12:00 PM**

**12 House Office Building**

**ACTION PACKET**

**COMMITTEE MEETING REPORT**  
**Future of Florida's Families Committee**  
**2/22/2006 10:30:00AM**

**Location:** 12 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bill Galvano (Chair)	X		
Rafael Arza			X
Aaron Bean	X		
Susan Bucher	X		
Mike Davis	X		
Richard Glorioso	X		
Susan Goldstein	X		
Will Kendrick	X		
<b>Totals:</b>	<b>7</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Wednesday, February 22, 2006 1:36:01PM

**COMMITTEE MEETING REPORT**  
**Future of Florida's Families Committee**  
**2/22/2006 10:30:00AM**

**Location:** 12 HOB  
**HB 221 : Paternity**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein	X				
Will Kendrick	X				
Bill Galvano (Chair)	X				
<b>Total Yeas: 7      Total Nays: 0</b>					

**Appearances:**

**Paternity**

Fred Dudley (Lobbyist) - Proponent  
Family Law Section Florida Bar  
106 E. College Avenue, Suite 1200  
Tallahassee FL 32301  
Phone: 850/521-8013

**Paternity**

Nadine Mendelsohn - Proponent  
Paternity Fraud Victims  
309 Montevallo Ct  
Mobile AL 36608  
Phone: 251-344-4588

**Paternity**

Tony Winbush - Proponent  
115 Ernest St  
Quincy FL 32353  
Phone: 850-875-1169

**Paternity**

Teresa Rhames - Proponent  
3620 Old Federal Road  
Quincy FL 32351  
Phone: 850/875-4752

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0221

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Future of Florida's Families  
Committee

Representative(s) Richardson offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. (1) This section establishes circumstances under which a male may disestablish paternity or terminate a child support obligation when the male is not the biological father of the child. To disestablish paternity or terminate a child support obligation, the male must file a petition in the court with continuing jurisdiction over the child support obligation. The petition must also be served on the mother or other legal guardian or custodian of the child. If the child support obligation was determined administratively and has not been ratified by a court, then the petition must be filed in the circuit court where the mother or legal guardian or custodian of the child resides. Such a petition must be served on the Department of Revenue and on the mother or other legal guardian or custodian. The petition must include:

(a) An affidavit executed by the petitioner that newly discovered evidence relating to the paternity of the child has

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 come to the petitioner's knowledge since the initial paternity  
24 determination or establishment of a child support obligation.

25 (b) The results of scientific tests that are generally  
26 acceptable within the scientific community to show a probability  
27 of paternity, administered within 90 days prior to the filing of  
28 such petition, which results indicate that the male ordered to  
29 pay such child support cannot be the father of the child for  
30 whom support is required or an affidavit executed by the  
31 petitioner stating that he did not have access to the child to  
32 have scientific testing performed prior to the filing of the  
33 petition. A male who suspects he is not the father but does not  
34 have access to the child to have scientific testing performed  
35 may file a petition requesting the court to order the child to  
36 be tested.

37 (c) An affidavit executed by the petitioner stating that  
38 the petitioner is current on all child support payments for the  
39 child for whom relief is sought or that he has substantially  
40 complied with his child support obligation for the applicable  
41 child and that any delinquency in his child support obligation  
42 for that child arose from his inability for just cause to pay  
43 the delinquent child support when the delinquent child support  
44 became due.

45 (2) The court shall grant relief on a petition filed in  
46 accordance with subsection (1) upon a finding by the court of  
47 all of the following:

48 (a) Newly discovered evidence relating to the paternity of  
49 the child has come to the petitioner's knowledge since the  
50 initial paternity determination or establishment of a child  
51 support obligation.

52 (b) The scientific test required in paragraph (1)(b) was  
53 properly conducted.

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54        (c) The male ordered to pay child support is current on  
55 all child support payments for the applicable child or that the  
56 male ordered to pay child support has substantially complied  
57 with his child support obligation for the applicable child and  
58 that any delinquency in his child support obligation for that  
59 child arose from his inability for just cause to pay the  
60 delinquent child support when the delinquent child support  
61 became due.

62        (d) The male ordered to pay child support has not adopted  
63 the child.

64        (e) The child was not conceived by artificial insemination  
65 while the male ordered to pay child support and the child's  
66 mother were in wedlock.

67        (f) The male ordered to pay child support did not act to  
68 prevent the biological father of the child from asserting his  
69 paternal rights with respect to the child.

70        (g) The child had not yet reached his or her 18th birthday  
71 when the petition was filed.

72        (3) Notwithstanding subsection (2), a court shall not set  
73 aside the paternity determination or child support order if the  
74 male engaged in the following conduct after learning that he is  
75 not the biological father of the child:

76        (a) Married the mother of the child while known as the  
77 putative father in accordance with s. 742.091, Florida Statutes,  
78 and voluntarily assumed the parental obligation and duty to pay  
79 child support;

80        (b) Acknowledged his paternity of the child in a sworn  
81 statement;

82        (c) Consented to be named as the child's biological father  
83 on the child's birth certificate;

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84 (d) Voluntarily promised in writing to support the child  
85 and was required to support the child based on that promise;

86 (e) Received and disregarded written notice from any state  
87 agency or any court directing him to submit to scientific  
88 testing; or

89 (f) Signed a voluntary acknowledgment of paternity as  
90 provided in s. 742.10(4), Florida Statutes.

91 (4) In the event the petitioner fails to make the  
92 requisite showing required by this section, the court shall deny  
93 the petition.

94 (5) In the event relief is granted pursuant to this  
95 section, relief shall be limited to the issues of prospective  
96 child support payments and termination of parental rights,  
97 custody, and visitation rights. The male's previous status as  
98 father continues to be in existence until the order granting  
99 relief is rendered. All previous lawful actions taken based on  
100 reliance on that status are confirmed retroactively but not  
101 prospectively. This section shall not be construed to create a  
102 cause of action to recover child support that was previously  
103 paid.

104 (6) The duty to pay child support and other legal  
105 obligations for the child shall not be suspended while the  
106 petition is pending except for good cause shown. However, the  
107 court may order the child support to be held in the registry of  
108 the court until final determination of paternity has been made.

109 (7)(a) In an action brought pursuant to this section, if  
110 the scientific test results submitted in accordance with  
111 paragraph (1)(b) are provided solely by the male ordered to pay  
112 child support, the court on its own motion may, and on the  
113 petition of any party shall, order the child and the male  
114 ordered to pay child support to submit to applicable scientific

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115 tests. The court shall provide that such scientific testing be  
116 done no more than 30 days after the court issues its order.

117 (b) If the male ordered to pay child support willfully  
118 fails to submit to scientific testing or if the mother or legal  
119 guardian or custodian of the child willfully fails to submit the  
120 child for testing, the court shall issue an order determining  
121 the relief on the petition against the party so failing to  
122 submit to scientific testing. If a party shows good cause for  
123 failing to submit to testing, such failure shall not be  
124 considered willful. Nothing in this paragraph shall prevent the  
125 child from reestablishing paternity under s. 742.10, Florida  
126 Statutes.

127 (c) The party requesting applicable scientific testing  
128 shall pay any fees charged for the testing. If the custodian of  
129 the child is receiving services from an administrative agency in  
130 its role as an agency providing enforcement of child support  
131 orders, that agency shall pay the cost of the testing if it  
132 requests the testing and may seek reimbursement for the fees  
133 from the person against whom the court assesses the costs of the  
134 action.

135 (8) If relief on a petition filed in accordance with this  
136 section is granted, the clerk of the court shall, within 30 days  
137 following final disposition, forward to the Office of Vital  
138 Statistics of the Department of Health a certified copy of the  
139 court order or a report of the proceedings upon a form to be  
140 furnished by the department, together with sufficient  
141 information to identify the original birth certificate and to  
142 enable the department to prepare a new birth certificate. Upon  
143 receipt of the certified copy or the report, the department  
144 shall prepare and file a new birth certificate that deletes the  
145 name of the male ordered to pay child support as the father of



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146 the child. The certificate shall bear the same file number as  
147 the original birth certificate. All other items not affected by  
148 the order setting aside a determination of paternity shall be  
149 copied as on the original certificate, including the date of  
150 registration and filing. If the child was born in a state other  
151 than Florida, the clerk shall send a copy of the report or  
152 decree to the appropriate birth registration authority of the  
153 state where the child was born. If the relief on a petition  
154 filed in accordance with this section is granted and the mother  
155 or legal guardian or custodian requests that the court change  
156 the child's surname, the court may change the child's surname.  
157 If the child is a minor, the court shall consider whether it is  
158 in the child's best interests to grant the request to change the  
159 child's surname.

160 (9) The rendition of an order granting a petition filed  
161 pursuant to this section shall not affect the legitimacy of a  
162 child born during a lawful marriage.

163 (10) If relief on a petition filed in accordance with this  
164 section is not granted, the court shall assess the costs of the  
165 action and attorney's fees against the petitioner.

166 (11) Nothing in this section precludes an individual from  
167 seeking relief from a final judgment, decree, or order of  
168 proceeding pursuant to Rule 1.540, Florida Rules of Civil  
169 Procedure, or from challenging a paternity determination  
170 pursuant to s. 742.10(4), Florida Statutes.

171 Section 2. This act shall take effect July 1, 2006.

173 ===== T I T L E A M E N D M E N T =====

174  
175 Delete everything before the enacting clause  
176 and insert:

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177  
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A bill to be entitled

An act relating to paternity; permitting a petition to set aside a determination of paternity or terminate a child support obligation; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for scientific testing; providing for the amendment of the child's birth certificate; providing for assessment of costs and attorney's fees; providing an effective date.

**COMMITTEE MEETING REPORT**  
**Future of Florida's Families Committee**  
**2/22/2006 10:30:00AM**

**Location:** 12 HOB

**HB 599 : Florida Faith-based and Community-based Advisory Board**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher		X			
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein	X				
Will Kendrick	X				
Bill Galvano (Chair)	X				
<b>Total Yeas: 6      Total Nays: 1</b>					

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**COMMITTEE MEETING REPORT**  
**Future of Florida's Families Committee**  
**2/22/2006 10:30:00AM**

**Location:** 12 HOB

**HB 619 : Florida Substance Abuse and Mental Health Corporation**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein	X				
Will Kendrick	X				
Bill Galvano (Chair)	X				
<b>Total Yeas: 7      Total Nays: 0</b>					

**Appearances:**

Florida Substance Abuse and Mental Health Corporation

Ellen Piekolkiewicz (Lobbyist) - Proponent

FL SAMA Corporation

1313 Winewood Blvd.

Tallahassee FL 32399

Phone: 850/410-1576

Florida Substance Abuse and Mental Health Corporation

David L. Miller - Proponent

FL SAMH Corporation

23543 Abercorn Lane

Land O Lakes FL 34639

Phone: 813/995-0395

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**Future of Florida's Families Committee**  
**2/22/2006 10:30:00AM**

**Location:** 12 HOB

**Summary:**

**Future of Florida's Families Committee**

*Wednesday February 22, 2006 10:30 am*

HB 221 Favorable With Committee Substitute

Yeas: 7 Nays: 0

HB 599 Favorable

Yeas: 6 Nays: 1

HB 619 Favorable

Yeas: 7 Nays: 0

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